

PATENT  
Attorney Docket No.: 991-8

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Robert M. Landis      Examiner: Not Yet Assigned  
Serial No.: 10/618,799      Group Art Unit: Not Yet Assigned  
Filed: July 14, 2003      Dated: July 31, 2003  
Title: DYNAMIC INFANT NASAL CPAP SYSTEM AND METHOD

Mail Stop 16  
Director of the U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attention: Refund Section, Accounting Division, Office of Finance

2003 AUG - 5 PM 3:32  
US PATENT & TRADEMARK  
OFFICE  
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REFUND BRANCH

**REQUEST FOR REFUND**  
(Improper Charge of Deposit Account)

I. REFUND REQUEST

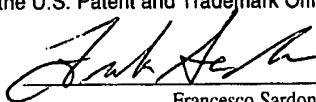
This is a request for a refund with respect to the charge to Deposit Account No. **50-2140** shown on the statement dated July 2003 for the above-identified application.

A copy of the monthly deposit account statement in which the error referred to occurs accompanies this request. Also enclosed herewith is a copy of the stamped postcard receipt, a copy of the original check for \$447.00, a copy of the Fee Transmittal Sheet as filed, a copy of the Utility Patent Application Transmittal as filed, a corrected/new Fee Transmittal Sheet, and a corrected/new Utility Patent Application Transmittal.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on July 31, 2003.

Dated: July 31, 2003

  
Francesco Sardone

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	AMOUNT OF REFUND REQUESTED
<input checked="" type="checkbox"/> filing fee	<u>\$ 350.00</u>
— surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e))	
and/or	
— surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e))	
— extension of term	
—     first month	
—     second month	
—     third month	
—     fourth month	
<input checked="" type="checkbox"/> excess claims	<u>\$ 36.00</u>
— issue fee	
— petition fee	
— patent maintenance fee	
—     first maintenance fee	
—     second maintenance fee	
—     third maintenance fee	
— patent maintenance fee surcharge	
— other:	
<p><u>PCT FEES:</u></p>	
- Designation fee \$88 per country for first 5 national or regional Offices	\$
- Fee for each certified copy (one requested)	\$
<b>TOTAL REFUND REQUESTED</b>	<b><u>\$ 386.00</u></b>

### III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant claims Small Entity Status. The Fee Transmittal Sheet, as original filed, indicated that applicant claimed small entity, however, the Utility Application Transmittal, as originally filed, failed to indicate that applicant claimed small entity. The fee submitted, as indicated in the original Fee Transmittal Sheet included the filing fee for a small entity and the fee for four (4) additional claims in excess of twenty (20) for a large entity.

The monthly deposit account statement indicates that the fees for filing of the above application are based on applicant being a large entity. In addition, the Patent Office counts twenty-five (25) claims in the application as opposed to twenty-four (24), the actual claim count of the application.

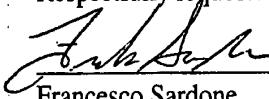
A corrected Application Transmittal is submitted herewith. Accordingly, the total fee due for the filing of the application was \$411.00. Since a check in the amount of \$447.00 was originally submitted with the application, a refund in the amount of \$386.00 is respectfully requested.

### IV. MANNER OF REFUND

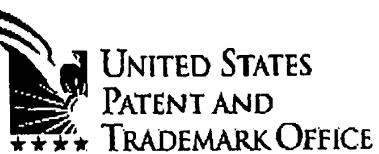
Please make refund by

crediting Deposit Account No. 50-2140  
 refunding payment.

Respectfully requested,

  
Francesco Sardone  
Reg. No. 47,918

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Return To:

USPTO  
Home  
Page

Finance  
Home  
Page

### Deposit Account Statement

Requested Statement Month: July 2003

Deposit Account Number: 502140

Name: CARTER DELUCA FARRELL & SCHMIDT, LLP

Attention: PETER DELUCA

Address: 445 BROAD HOLLOW ROAD

City: MELVILLE

State: NY

Zip: 11747

DATE SEQ	REF	POSTING ATTORNEY	DOCKET	FEE CODE	AMT	BAL
			REF	SEQ		
07/01	41	2049295		6206	\$100.00	\$4,225.00
07/08	140	10454209		9204	-\$294.00	\$4,519.00
07/11	2	10159944	273/162	1460	\$130.00	\$4,389.00
07/11	36	10434019		9204	-\$168.00	\$4,557.00
07/17	2	10618799	991-8	1001	\$303.00	\$4,254.00
07/17	4	10618799	991-8	1202	\$90.00	\$4,164.00
07/22	12	10343651		9204	-\$65.00	\$4,229.00
07/22	66	10621831	1400-10 (1538)	1202	\$18.00	\$4,211.00
07/24	10	10160460	2806 (203-31)	1806	-\$180.00	\$4,391.00
07/24	179	10406690		9204	-\$252.00	\$4,643.00
07/29	13	10460505		9204	-\$468.00	\$5,111.00
07/29	20	10460727		9204	-\$180.00	\$5,291.00
07/29	25	10460506		9204	-\$318.00	\$5,609.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$4,325.00	\$641.00	\$1,925.00	\$5,609.00

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